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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,838	11/01/2000	Ronald E. Sloan	60021-375901	4308
29838 7590 05/05/2008 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609				
EXAMINER				
APPLE, KIRSTEN SACHWITZ				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/704,838

Applicant(s)

SLOAN ET AL.

Examiner

KIRSTEN S. APPLE

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

The petition filed under 37 CFR 1.181 on 1/31/08 asking for Supervisory Review of the examiner's Final rejection mailed 11/30/07, has been delegated by the Group Director to the examiner of record in this application to be treated as a request for reconsideration. The petition has been granted and the final office action mailed 11/30/07 has been withdrawn.

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-25 under 35 USC 103.

The Applicant attention is re-drawn to the following:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being obvious over Wolfberg et al. (US Patent No. 5,214,579), in view of Sullivan et al. (US Patent No. 6,615, 240), and Farry et al. (US Patent No. 6,069,628).

Claims 1, 9, 10, and 18:

Wolfberg discloses a method, a system, and a computer program embodied on a computer readable medium for providing a graphical user interface to a financial modeling system allowing advice through projections (Col. 3, line 63-col. 4, line 10, col. 10, lines 40-55, col. 11, lines 27-29, col. 12, lines 38-49, col. 16, lines 4-41, col. 19, lines 24-35, col. 29, lines 18-38, col. 30, lines 3-44) and trends (Col. 23, lines 37-54) of a financial system (Col. 4, line 9-col. 5, line 11) based on a network architecture

(Col. 7, line 53-col. 8, line 9), which determine the expectations (Col. 17, line 65-col. 18, line 20) and impact (Col. 1, line 55-col. 2, line 12, col. 2, line 42) of investment decisions. Wolfberg does not exclude that his invention could be used to give advice, as a help-system for the investors, but he does not explicitly disclose this possibility of use.

Sullivan discloses an Internet-based system (Col. 1, line 18-col. 2, line 4, col. 4, lines 57-62, col. 5, lines 5-38, col. 13, lines 36-51, col. 14, lines 22-23) that support both live advice (or live help, Abstract, col. 3, lines 36-62, col. 4, line 63-col. 5, line 4, col. 6, lines 20-63, col. 7, lines 12-28, col. 8, lines 9-22, col. 10, line 22-col. 12, line 12, col. 13, line 56-col. 14, line 63, col. 15, line 1-col. 16, line 67, col. 17, line 8-col. 18, line 10) and (context sensitive) automated coaching and communication component (Abstract, col. 6, lines 39-50, col. 12, lines 39-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg invention was made to use it for a live advice and automated coaching. One would have been motivated to use for live advice and automated coaching the Wolfberg invention in order to maximize its applications, and consequently, the revenues that result from its use.

The Wolfberg-Sullivan invention does not explicitly disclose providing a first window for displaying an image of said live advisor; and providing a second window for displaying context sensitive automated coaching. Farry discloses a system which provides financial system services (Col. 4, lines 23-64) using a first window (Col. 2, lines 23-55, col. 14, lines 50-67, col. 16, lines 21-39) and a second window (Col. 2, lines 28-49, col. 14, lines 50-67, col. 16, lines 21-39). Therefore, it would have been obvious to one having ordinary skill in the

art at the time the Wolfberg-Sullivan invention was made to use this step. One would have been motivated to use this step in the Wolfberg-Sullivan invention in order to facilitate the search of advice for the user.

The Wolfberg-Sullivan-Farry invention does not explicitly disclose providing a plurality of icons for selecting at least one of a plurality of methods for communicating with a live advisor over the Internet. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

The Wolfberg-Sullivan-Farry invention does not explicitly disclose providing different “service levels”. The examiner takes Official notice that this feature is old and well-known business to differential customers by different service levels and provide different services based on the selected service level. The best example of this is in the airline industry where “first class” service level pays more and get a bigger seat, food, staff, etc.

Claims 2, 11, and 19: Wolfberg, Sullivan, and Farry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg discloses a network architecture (see Claim 1 above) which could be also the Internet network. Sullivan explicitly discloses Internet (see Claim 1 above), and it is well known that the Internet network is a plurality of methods for communication that includes email, electronic chat, live streaming audio, voice over the network, telephone, still picture, and streaming live video. Therefore, it would have been obvious to one having ordinary skill in the art at the time the Wolfberg invention to use this step. One would have been motivated to use this step in the in order to increase the possibilities of communication for the user.

Claims 3, 12 and 20: Wolfberg, Sullivan, and Farrydisclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg also discloses an user interface that includes providing one interactive window for displaying a financial model generated by the financial modeling system (Fig 9C).

Claims 4, 13, and 21: Wolfberg, Sullivan, and Farrydisclose the method, the system, and the computer program embodied on a computer readable medium of claims 3, 12, and 20. Wolfberg, Sullivan, and Farrydo not explicitly disclose that the user interface includes a plurality of function icons for performing various operations on said generated financial model. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

Claims 5, 14, and 22: Wolfberg, Sullivan, and Farrydisclose the method, the system, and the computer program embodied on a computer readable medium of claims 4, 13, and 21. Wolfberg, Sullivan, and Farrydo not explicitly disclose that the function icons include providing at least one of transact, monitor, model, explore, track. The examiner takes Official notice that this feature is old and well-known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

Claims 6, 15, and 23: Wolfberg, Sullivan, and Farrydisclose the method, the system, and the computer program embodied on a computer readable medium of claims 3, 12, and 20.

Wolfberg also discloses that the user interface includes at least one dynamic window for displaying characteristics related to the generated financial model (Fig. 9C, 10A, 10B, and 10

C). **Claims 7, 16, and 24:** Wolfberg, Sullivan, and Farrydisclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18.

Sullivan discloses a Financial system service Internet-based the wherein said user interface that

includes providing at least one interactive window for displaying help messages related to using the financial modeling system, as is used in many automated coaching systems (see discussion on Claim 1 above).

Claims 8, 17, and 25: Wolfberg, Sullivan, and Farry disclose the method, the system, and the computer program embodied on a computer readable medium of claims 1, 9, and 18. Wolfberg, Sullivan, and Farry does not explicitly disclose wherein said user interface further includes providing at least one profile icon for performing various operations on a user profile based on user information. The examiner takes Official notice that this feature is old and well known in the computer art because it is very easy for a user to pick an icon instead of giving a command to a financial program by different way.

Examiners Note

The examiner noticed in completing this action that the prior art patent 6,069,628 inventor's name was misspelled. This has been corrected from Ferry to Farry.

Response to Arguments

Applicant's arguments filed September 14, 2007 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: the limitation of dynamically capturing the intentions and expectations of a user in response to the context sensitive automated coaching are not taught in Wolfberg, Sullivan and Farry.

The Examiner refutes the argument made by the Applicant and draws the attention to Wolfberg column 1, line 55-69... "participants investment.. is tracked and interpreted.." also column 3, line 45-50 "participants.. selecting an initial investment amount". Like the applicants invention the users has intentions and these are tracked and interpreted.

Applicants argued 2nd, that “automated coaching” is not taught in the references

The Examiner refutes the argument made by the Applicant and draws the attention to Sullivan col. 6, lines 39-50, col. 12, lines 39-50 which talks about “automated support application”

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ksa/

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694